

REMARKS

This amendment is being filed in response to the Office Action mailed in this application on April 15, 2003. A request for a one-month extension of time accompanies this amendment. By this amendment, claims 1-8 have been canceled and rewritten as new claims 9-16. Reconsideration of this application is respectfully requested in view of the above amendments and further in view of the following remarks.

First, applicants note that when this application was filed, they included in the filing papers a copy of the IPER and a copy of the references cited in the ISR. Then on May 6, 2003, applicants submitted a PTO 1449 form listing the references cited in the ISR (with the exception of US 4,271,149 which was cited by the Examiner in the Office Action mailed on April 15th). The Examiner is requested to verify that those references cited in the ISR were considered in relation to this application by returning a copy of the initialed PTO 1449 form.

Next, claims 5-8 were objected to as being in improper form. Applicants note that the claims were written in Europe in a format acceptable there. These claims have been canceled and rewritten in accordance with practice in the United States. Withdrawal of the objection is requested.

Claims 1-2 were then rejected under 35 USC §112, second paragraph. These claims have been canceled and rewritten. Accordingly, applicants request that this rejection be withdrawn.

Finally, claims 1-4 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 4,271,149 ("Winicov et al."). Applicants respectfully traverse this rejection.

In the present application, the technical problem to be solved is to make a composition which delivers iodine to a wound at a rate which is high enough to provide effective antisepsis but which is low enough to avoid the problems of adverse reactions associated with high levels of iodine.

In Winicov et al., the compositions are intended for a very different use, *i.e.*, teat dips for dairy cows and hand washes. The components are not separated, but are held and stored together along with iodine. The iodate and iodide present in the composition are used for stability, to produce iodine during storage, to counterbalance the slow loss of iodine from the composition. (See, e.g., column 2, lines 37-42, of Winicov et al.) There is no hint in Winicov et al. that this reaction, through control of pH, could be used to give a controlled release of iodine during product use. Thus, Winicov et al. is solely concerned with use of pH to give improved storage of the composition.

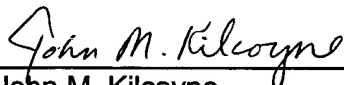
It is asserted in the Office Action that although certain of the claimed features are not expressly disclosed by Winicov et al., there is evidence in Winicov et al. for the features. Applicants disagree. There is nothing in Winicov et al. to suggest that the iodate/iodine reaction can be used as the means of generating iodine in the product in use. The compositions of Winicov et al. all contain iodine, and this is relied upon for efficacy. The longer lasting effect in Winicov et al. is directed solely to storage performance. Moreover, the levels of iodine in the compositions of Winicov et al. are too high for use in wounds for the reasons mentioned on page 1 of the instant application. Note, e.g., that the compositions of the invention can result in amounts of free iodine available for wound treating at any time of at least 0.001% (see page 4 of the instant application), while the amounts noted in Winicov et al. are intended for teat dips for dairy cows and hand washes, and therefore are much higher.

For these reasons, applicants request that this rejection be withdrawn.

In view of the foregoing, return of the initialed PTO 1449 form, reconsideration of this application and allowance of the application with claims 9-16 are all respectfully requested.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
100 Headquarters Park Drive
Skillman, NJ 08558
(908) 904-2372



John M. Kilcoyne
Attorney for Applicant
Reg. No. 33,100

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